

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 10/19/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JACQUELYN MAHALICK,	:	
	:	
Plaintiff,	:	1:23-cv-5975-GHW
	:	
-v -	:	<u>ORDER</u>
	:	
FINN PARTNERS, INC.,	:	
	:	
Defendant.	:	
	:	
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GREGORY H. WOODS, United States District Judge:

For the reasons stated on the record during the conference held on October 18, 2024, Plaintiff's motion to preclude Defendant's expert report, or in the alternative to reopen fact and expert discovery with costs and fees charged to Defendant, Dkt. No. 31, is granted in part and denied in part. Fact and expert discovery are reopened in this case for the limited purposes set forth in this order.

The deadline for completion of all fact discovery is reopened and extended to December 6, 2024, for the sole purpose of conducting a deposition of Martin Ettlemeyer and continuing the deposition of David Hahn. *See* Dkt. No. 33 at 5, 8. The deadline for completion of all expert discovery is reopened and extended to February 7, 2025. The deadline for party-proponent expert disclosures under Fed. R. Civ. P. 26(a)(2) is reopened and extended to January 15, 2025. The expert deadlines are reopened and extended for the sole purposes of allowing Plaintiff to retain, if necessary, a rebuttal expert and submit a rebuttal report in response to the belated expert report submitted by Defendant, Dkt. No. 32-2, and to allow both parties to conduct depositions of the experts. All other discovery in this case remains closed.


Defendant is ordered to pay Plaintiff's reasonable attorneys' fees and costs associated with this motion. Defendant is also ordered to pay Plaintiff's reasonable attorneys' fees and costs associated with conducting the deposition of Defendant's expert, Dr. Putts.

Because fact and expert discovery have been reopened, the Court withdraws Defendant's pending motion for summary judgment, Dkt. No. 34, without prejudice to renew the motion after discovery in this case is complete. The deadline to file any renewed motions for summary judgment, if any, shall be filed no later than March 10, 2025. Oppositions to summary judgment are due within twenty-eight days after service of the motion. Replies, if any, are due within fourteen days after service of the opposition.

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 31 and 34.

SO ORDERED.

Dated: October 19, 2024
New York, New York



GREGORY H. WOODS
United States District Judge